

Serial No. 10/036,790  
Amdt. dated May 19, 2005  
Reply to Office Action of January 19, 2005

Attorney Docket No. PF02259NA

### REMARKS/ARGUMENTS

Claims 1 through 24 remain in this application, and claims 1, 3, 8 and 17 have been amended.

Claims 1 through 10, 12, 14, 15 and 17 through 24 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US2002/0078151A1 to Wickam, et al. ("Wickam, et al. publication"). Also, claims 11, 13 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Wickam, et al. publication in view of U.S. Patent No. US6631186B1 to Adams, et al. ("Adams, et al. patent").

Independent claim 1 as amended provides, *inter alia*, "determining whether the target device is available for text messaging with the originating device based on the configuration information". Likewise, independent claim 17 as amended provides, *inter alia*, a messaging proxy being effective to "determine whether the target device is available for text messaging with the originating device". Support for the above recitation of "text messaging", for example instant messaging, is provided at page 4, lines 12 through 14, and page 7, lines 3 and 4, of the specification.

In contrast, the Wickam, et al. publication and the Adams, et al. patent describe call forwarding functions that manage routing of voice calls. The Wickam, et al. publication and the Adams, et al. patent do not describe or suggest determining whether a target device is available for text messaging, as required by independent claims 1 and 17. Therefore, independent claims 1

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and 17 as amended distinguish patentably from the Wickam, et al. publication, the Adams, et al. patent, and the suggested combination of these references.

Claims 2 through 16 and 18 through 24 depend from and include all limitations of independent claims 1 and 17 as amended. Therefore, claims 2 through 16 and 18 through 24 distinguish patentably from the Wickam, et al. publication, the Adams, et al. patent, and the suggested combination of these references for the reasons stated above for independent claims 1 and 17.

In view of the above, reconsideration and withdrawal of the rejections of claims 1 through 24 are respectfully requested.

### CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request


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that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,  
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 May 19, 2005  
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